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7 Attorneys for Defendants
Countrywide Home Loans, Inc. (d/b/a America's
Wholesale Lender), BAC Home Loans
8 Servicing, LP (f/k/a Countrywide
Home Loans Servicing L.P.), ReconTrust
9 Company, N.A., Bank of America, N.A., and
Bank of New York Mellon (erroneously
10 named as Bank of New York)

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 PETRA MARTINEZ,

15 Plaintiff,

16 v.

17 AMERICA'S WHOLESALE LENDER, *et al.*,

18 Defendants.

Case No.: 09-cv-05630-WHA

**DECLARATION OF KALAMA M.
LUI-KWAN IN SUPPORT OF
OPPOSITION TO NOTICE OF
DISMISSAL OF FEDERAL CLAIMS**

Date: None Set
Time: None Set
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

1 I, Kalama M. Lui-Kwan, declare as follows:

2 1. I am an attorney at law duly licensed to practice before this Court and am
3 associated with the law firm of Severson & Werson, A Professional Corporation ("Severson"),
4 counsel for defendants Countrywide Home Loans, Inc. (d/b/a America's Wholesale Lender),
5 BAC Home Loans Servicing, LP (f/k/a Countrywide Home Loans Servicing L.P.), ReconTrust
6 Company, N.A., Bank of America, N.A., and Bank of New York Mellon (erroneously named as
7 Bank of New York) ("Defendants") in this action. I am making this declaration in support of
8 Defendants' Opposition to Plaintiff's Notice of Dismissal of Federal Claims ("Notice").

9 2. On November 25, 2009, on Defendants' behalf, I arranged to have a third-party
10 vendor retrieve the entire state-court file ("File") in this case from the Superior Court for the State
11 of California, County of Monterey ("Superior Court").

12 3. The File included a document titled "Notice of Pendency of Action", which
13 appears to have been stamped by the Monterey County Recorder's office on September 29, 2009,
14 and file-stamped by the Superior Court on October 22, 2009 ("Lis Pendens"). A true and correct
15 copy of the Lis Pendens is attached hereto as Exhibit 1.

16 4. Although other Severson attorneys have participated in the defense of this action, I
17 am the handling attorney on this matter. Between November 1, 2009 and the date of this
18 declaration, I have spent approximately 43.9 hours in defending this action on behalf of
19 Defendants. This includes time I spent preparing Defendants' notice of removal, motion to
20 dismiss, reply brief in support of motion to dismiss, and responses to Plaintiff's Ex Parte Motion
21 to Correct Record and Notice of Dismissal of Federal Claims. My billing rate is \$233.75 per
22 hour. Thus, Defendants have incurred at least \$10,261.63 in attorneys' fees in defending this
23 action to date.

24 I declare under the penalty of perjury that the foregoing is true and correct. Executed on
25 this 31st day of December, 2009, at San Francisco, California.

26
27 /s/ Kalama M. Lui-Kwan
Kalama M. Lui-Kwan